IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24168 of 2004

Between:

S.K. Khader Basha S/o Khaseem, R/o B-11-380-B,
Suhasini Nagar, Buchireddypalem(V)&(M), Nellore District

..... PETITIONER

AND

1 The Executive Officer, Buchireddypalem Gram Panchayat,
Nellore District
2 The Mandal Revenue Officer, Buchireddypalem Mandal, Nellore District
3 The District Collector, Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents that without giving notice to the Writ Petitioner and trying to dispossess him from H.No.B-11-380-B of Buchireddypalem Village & Mandal, Nellore District, as illegal, arbitrary and contrary to the rights guaranteed Under Article 300-A of the Constitution of India and violation of Sec.98 of A.P Gram Panchayat Act 1994.

For the Petitioner: SMT.CHINTALAPUDI LAKSHMI KUMARI, Advocate

For the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

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ORDER:

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The petitioner claims to have submitted a representation, dated
09-03-2004 to the third respondent-District Collector, Nellore, requesting to assign an extent of 33 Ankanams of poramboke land situated in Buchireddypalem village and Mandal of Nellore District, on payment of market value on the ground that he has been in possession of the same since 1960 by constructing a pucca house therein. His grievance is that without considering the representation, and without giving any notice to him, the respondents are trying to dispossess him therefrom. Assailing the impugned action of the respondents, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development.

The petitioner has not produced any material to substantiate that he is in possession of the land in question. Granting of pattas and assignment of poramboke land to the landless poor or encroachers thereof are within the exclusive domain of Revenue Officials, and they can generally be granted after considering the ground realities and conducting enquiry in accordance with the procedure contemplated under law, and this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, does not interfere with the same. Therefore,
I see no reason to direct the respondents to assign the land in question in favour of the petitioner directly.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 27-12-2004

Note:

Issue C.C. by tomorrow

(Bo)

Svv

To

1 The Executive Officer, Buchireddypalem Gram Panchayat,
Nellore District.
2 The Mandal Revenue Officer, Buchireddypalem Mandal, Nellore District
3 The District Collector, Nellore.

4 Two CCs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies.